IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 1140 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Appellant(s)
Versus
MAVSING @ BANDO B PARMAR & 1 - Opponent(s)

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Appearance :
Mr.S.P.Hasurkar, APP for Appellant(s) : 1,
NOTICE SERVED for Opponent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 01/10/2007

ORAL JUDGMENT

1. By way of this appeal, the appellant – State challenges the judgment and order passed by learned Judicial Magistrate, First Class, Kalol

(Panchmahals), in Criminal Case No.358 of 1993 dated 10/16.9.1995, whereby the complaint was dismissed for default and the respondents were acquitted of the offences alleged under Sections 325, 324, 504 and 114 of Indian Penal Code against them.

2. It is submitted by learned APP Mr.Hasurkar to remand the present case considering the facts of the case. Having heard the learned advocates for the parties and having perused the record, it appears that no ground is made for remand. Apart from that, the complaint is of 1992 (16.10.1992) and in view of the decision of the Apex Court in a case where prosecution has failed to cooperate with the Criminal Court it is not desirable to prolong the trial. Further, the complainant and accused are of same village and it is not desirable to disturb the situation which has cooled down for 15 years.

3. In view of what is stated above, I do not find any substance in this appeal and the same is required to be dismissed. Appeal is accordingly dismissed.

[K.S. JHAVERI, J.]

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